

# Exhibit A

## In the Matter Of:

LAURIE ORTOLANO vs

CITY OF NASHUA

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**MICHAEL CARIGNAN**

*April 19, 2024*

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

VIDEOCONFERENCE DEPOSITION OF MICHAEL CARIGNAN,  
Deposition taken with all parties appearing remotely,  
on Friday, April 19, 2024, commencing at 3:11 p.m.

Court Reporter:  
Pamela J. Carle, LCR, RPR, CRR

MICHAEL CARIGNAN

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1		I N D E X	
2	WITNESS:	MICHAEL CARIGNAN	
3	EXAMINATION:		PAGE
4	By Mr. Malaguti		4
5			
6			

7 EXHIBITS FOR IDENTIFICATION:

8	CARIGNAN	DESCRIPTION	PAGE
9	1	6/26/19 Lehto supplemental report	13
10		(Digital exhibit sent with transcripts.)	
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1           Q.       When you're ready, Mr. Carignan, do you  
2        recognize that document?

3           A.       Yes, sir, I do.

4           Q.       You've seen it before?

5           A.       Yes, I have.

6           Q.       What is that, please?

7           A.       It is a supplemental report completed  
8        by, at the time, Captain John Lehto, date  
9        indicating it was completed on June 26, 2019.

10           MR. MALAGUTI: Pam, can we mark that as  
11        Carignan 1.

12        (Carignan Exhibit 1 was marked for identification.)

13           MR. MALAGUTI: Brian, just to look  
14        ahead a little bit, the only other documents that  
15        you would have that I'm going to be looking to, to  
16        do later on when we get onto the trespass thing,  
17        are just the police records.

18           The original police -- there are sort  
19        of two sets, the original one done by I think  
20        Earnshaw, and then I think the follow-up ones done  
21        by Roach. So at some point we'll probably be  
22        marking those.

23           I'm going to have to go from memory on  
24        my end, but we'll be marking. Just to give you a  
25        head start on where we're going to be headed later

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1 on, okay?

2 MR. CULLEN: Sure. I believe I have  
3 those here.

4 MR. MALAGUTI: I know you produced them  
5 because I had pulled them down, and I just can't  
6 get access to them, so. Thank you.

7 BY MR. MALAGUTI:

8 Q. Okay. So, Mr. Carignan, I can't see  
9 the document that you're looking at, but I believe  
10 it's from -- is it from June of 2019, somewhere in  
11 that area?

12 A. Yes, June 26, 2019.

13 Q. And could you describe that document to  
14 us, please.

15 A. Sure. It's a -- as you stated, it's a  
16 supplemental document, meaning a supplemental  
17 report to a larger report that just indicates  
18 something that happened within that case. It was a  
19 report written by Captain John Lehto, based on a  
20 meeting that I had with him attending a meeting at  
21 City Hall.

22 Q. Now, this is in regard to an  
23 investigation that would eventually be done by the  
24 Nashua Police Department regarding the Nashua  
25 Assessing Department, right?

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1           A.        Correct, yes, sir.

2           Q.        And it's fair to say if that was  
3           brought to your attention by a woman named Laurie  
4           Ortolano and perhaps another woman with her named  
5           Laura -- I believe it's pronounced Colquhoun?

6           A.        Correct.

7           MR. MALAGUTI: And if someone knows  
8           better than me, I'm going to make an attempt at  
9           spelling Colquhoun for the stenographer. I  
10          believe it's C-O-L-Q-U-H-O-U-N. Does that sound  
11          right, if you can find it somewhere?

12          MR. CULLEN: That appears to be  
13          correct.

14          MS. ORTOLANO: It's C-A-L,  
15          C-A-L-Q-U-H-U-O-N (sic).

16          MR. MALAGUTI: C-A-L. Okay. Thank  
17          you, Laurie.

18 BY MR. MALAGUTI:

19          Q.        You just came into a different view, so  
20          you're still there. My apologies. You bounced  
21          down on the screen.

22          Do you have a recollection,  
23          Mr. Carignan, about your meeting with what I'll  
24          call the two Laurie and Laura?

25          A.        The meeting with Laurie and Laura, I

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1 didn't have any specific memory of that meeting. I  
2 know I've spoken to Laurie several times.

3 Q. When is the first time you ever spoke  
4 with Laurie?

5 A. I'll be honest, I'm not sure. We've  
6 had several conversations. So -- go ahead.

7 Q. Let me put them chronologically. Did  
8 you have conversations with her prior to  
9 discussing the investigation into the Nashua  
10 Assessing Department?

11 A. Yes.

12 Q. In what forum would these conversations  
13 occur?

14 A. Well, so, again, we had several  
15 conversations, some we had seen each other at City  
16 Hall a couple of times over some different issues,  
17 but she came to me to the police department to  
18 speak to me about her concerns with those  
19 allegations.

20 Q. So the meeting about the Nashua  
21 Assessing Department was a face-to-face meeting at  
22 the police department?

23 A. I believe so, yes.

24 Q. Was it just a conversation or did it  
25 involve her showing you documents?

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1           A.       I believe she showed us some documents.  
2           Again, we had several meetings, I apologize if the  
3           chronology is not right, but Laurie had excellent  
4           documentation as to her allegations and her  
5           concerns.

6           Q.       At some point did she give police  
7           officers some documentation that they retained?

8           A.       Yes.

9           Q.       And how soon after you first met with  
10          Laurie at the police department to discuss these  
11          allegations did you end up going over to the  
12          mayor's office for the meeting that was documented  
13          in Exhibit 1?

14          A.       I don't exactly remember the day she  
15          came over, so I can't give you an exact time, but  
16          it would be within a couple of days. It was -- we  
17          took it seriously, and we would have gone over  
18          pretty quickly to start looking into it.

19          Q.       At that point when she contacted you,  
20          would you say that you were in charge of the  
21          matter?

22          A.       The allegations came to me and I  
23          directed it to go towards the detective bureau, so,  
24          yes. In charge of assigning it, yes. In charge of  
25          handling it, no.

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1           Q.        Yeah, so, and in fact, you fairly  
2 quickly assigned it to, I believe it was -- and  
3 again, I don't have the docs, Captain Lehto and  
4 Detective Mederos, is that right?

5           A.        Yes, as the chief, Captain Lehto was  
6 the captain for the detective bureau, so I told  
7 him, he was my immediate subordinate. I told him I  
8 wanted him and -- it was Lieutenant Mederos -- I  
9 believe it was Lieutenant Mederos at the time, to  
10 handle the investigation.

11          Q.        And do you know that at some point they  
12 took possession of the documents that Laurie  
13 Ortolano had shown you?

14          A.        Yes.

15          Q.        They were somewhat voluminous, weren't  
16 they?

17          A.        Yes.

18          Q.        There was a private investigator's  
19 report included, for example?

20          A.        I believe so. I'm not sure which  
21 packet of information it was, but I'm certainly  
22 aware that there was the private investigator's  
23 reports.

24          Q.        Now, do you know whether you appointed  
25 Captain Lehto and Lieutenant Mederos before you

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1           A.       So I don't remember that ever having  
2        come up.  We're certainly a separate entity, we're  
3        not -- we don't answer to the mayor, we answer to a  
4        police commission, so we work for the City of  
5        Nashua, but we're not under City Hall if that makes  
6        sense.

7        BY MR. MALAGUTI:

8           Q.       No, that makes -- that makes -- well, I  
9        never understand municipal government, but I sort  
10       of understand it.

11               Describe for me this police commission.  
12        How was it comprised?  For example, and I'm just  
13        going to ask for a general narrative on this, is  
14        it elected officials, is it appointed officials,  
15        and what do they do is what I'm looking for.

16           A.       So there are currently three police  
17        commissioners, and there have been traditionally,  
18        those police commissioners are appointed by the  
19        governor of the State of New Hampshire and approved  
20        by the Executive Council.

21               Their role is to oversee the budget of  
22        the Nashua Police Department, to oversee the  
23        department as a whole, if I can compare it to a  
24        board of directors where they're informed of all  
25        that's going on in the PD, but the chief executive

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1       officer, which would be the chief of police,  
2       manages the day-to-day and makes the strategic  
3       decisions for the short and long-term for the  
4       police department.

5                   So the commission, is -- what we do,  
6       they approve our budgets, they approve our  
7       promotions, they approve our terminations, or deny  
8       them, but they don't deal with the day-to-day  
9       operations of the police department. They're not  
10       sworn officers, they're not -- they have no legal  
11       authority to enforce the laws.

12       Q.       And does each commissioner have a  
13       full-time job as commissioner?

14       A.       Yes. Yes, they -- I believe one of the  
15       commissioners now is retired -- I'm sorry, so, no,  
16       the police commission part, I believe they get \$100  
17       a year to serve in that role. But each of them  
18       have outside jobs, outside careers, or they're  
19       retired, so they don't -- their job is not a police  
20       commissioner.

21       Q.       And does every municipality in  
22       New Hampshire have a police -- I'm an outsider, so  
23       I apologize. Does every municipality have a  
24       police commission or is that something that only,  
25       for example, happens with cities?

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1 decisions, but not in terms of everyday policing?

2 A. Correct.

3 Q. Okay.

4 A. So, for example, the police commission  
5 will not dictate who handles an investigation, they  
6 would not dictate how an investigation is handled,  
7 but they would dictate our annual budget, they  
8 would dictate the raises, they'd dictate anything  
9 like that.

10 Q. And back to -- did Laurie Ortolano or  
11 Laura Colquhoun raise any concerns about the  
12 independence of the investigation that was about  
13 to occur with the Nashua Assessing Department?

14 A. I don't know if it was at that specific  
15 meeting, but she certainly raised those concerns at  
16 some point with me. And I don't remember  
17 conversations with Laurie Colquhoun, I remember  
18 more having engagements with Laurie Ortolano.

19 Q. Laurie Ortolano was the talker of the  
20 two?

21 A. No, that's just the person I had the  
22 communications with.

23 Q. Now, when you say you remember that  
24 Laurie had expressed that concern, can you -- can  
25 we at least guesstimate, was it early in the

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1 process, was it later in the process? Do you have  
2 a recollection in that regard?

3 A. Again, I can't be beholden to anything  
4 specific, but it was multiple times throughout, so  
5 it's fairly accurate to say right around that time  
6 before we started and several times afterwards.

7 Q. And at any point did she outright tell  
8 you that she thought that the police investigation  
9 of the Nashua Assessing Department was not being  
10 conducted independently?

11 A. No. I think her wording was  
12 independently. I know she was not satisfied with  
13 the investigation or the outcome, and she had some  
14 issues with several points of some of the  
15 detectives. I'm not sure exactly what those were,  
16 but I don't know that it was necessarily -- I don't  
17 remember it necessarily being a biased  
18 investigation, more just an incomplete one.

19 Q. And how did she communicate those  
20 concerns? Through which medium is what I'm  
21 asking.

22 A. She would -- well, she would try to  
23 contact me. She would contact I believe  
24 Captain Lehto, she would contact pretty much the  
25 detectives. She contacted many of us often to

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1 express those. You know, I didn't -- I wasn't  
2 involved with the case, so I didn't really have  
3 involvement in the day-to-day communications with  
4 her, or it really wasn't my place to have  
5 conversations with her. If we saw each other, we  
6 would talk about it, sometimes we would meet, but  
7 it's pretty accurate to say she contacted many  
8 people. And regarding the means of the  
9 communication, she would use the telephone.

10 I don't believe she e-mailed me, but  
11 it's possible, but I don't remember any e-mails,  
12 because most -- mostly it was through face-to-face  
13 or phone calls. She used social media a lot to  
14 express her concerns on many different topics for  
15 us, so those are the meetings I -- you know,  
16 recollect.

17 Q. Now, while the investigation was going  
18 on, did you keep yourself apprised of what was  
19 going on in a general way?

20 A. In a general way, yes, sir.

21 Q. How so?

22 A. So every morning at the police  
23 department we had -- I don't know the time now, at  
24 the time it was 9:00, we would have a morning staff  
25 meeting where each of the bureau's captains would

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1                   A.        Our -- my administrative assistant at  
2 the time, Kathy Breslin, was in the meetings, and I  
3 believe she takes notes, but I don't believe she --  
4 she doesn't record them or enter them into  
5 anything. It's just a reminder for me to address  
6 certain issues that come up in the meeting. That's  
7 how it was for me.

8                   Q.        Would she have given you those notes to  
9 take possession of, or did she keep possession of  
10 them herself?

11                  A.        No, she would have kept possession of  
12 them if -- I don't even know that she maintained  
13 it, she basically would walk into the office and  
14 say, hey, chief, you have a meeting here, or don't  
15 forget you have to address this issue or don't  
16 forget this is coming up.

17                  Q.        Did she take notes on the computer or  
18 did she write out the notes by hand?

19                  A.        No, she handwrote her notes.

20                  Q.        Did she ever transcribe those notes and  
21 put them into electronic format, Word or whatever?

22                  A.        Not that I know of. Not for the  
23 morning meetings.

24                  Q.        Let's talk about this meeting on --  
25 when did we say it was, June 26, 2019? Do I have

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1 the date right?

2 A. Yes, sir.

3 Q. Who called that meeting? Was it the  
4 police department or was it someone else?

5 A. No, that was me. That was the police  
6 department.

7 Q. And who did you call to say that there  
8 was going to be a meeting?

9 A. I don't remember exactly who I called,  
10 but it would have either been Kim Kleiner to set  
11 the meeting up or I would have called the mayor  
12 directly. Most likely in this case it was the  
13 mayor directly, yeah, at the time.

14 Q. And at the time what was Kim Kleiner's  
15 position in the city government?

16 A. She was the -- at the time I thought  
17 she was the chief of staff for the mayor, but this  
18 has her as director of administrative services.

19 Q. And you understand that she was the  
20 chief of staff at one point and then became the  
21 director of administrative services. Somewhere --

22 A. Correct.

23 Q. -- through all of this, right?

24 A. Correct. And throughout that portion,  
25 our relationship did not change as far as the

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1 representing the union. It was a good chunk of his  
2 non-political time, if that answers your question.

3 So he's been consistently a part of  
4 collective bargaining for the police department for  
5 a majority of the time that I've been there, I was  
6 there.

7 Q. And did you ever have a social  
8 relationship with the mayor, a non-business  
9 relationship?

10 A. No, I did not.

11 Q. Never went out to dinner with him and  
12 his wife or anything of the like?

13 A. No.

14 Q. And Ms. Kleiner, did you ever have a  
15 social relationship with Ms. Kleiner?

16 A. No.

17 Q. Okay. So what time was the meeting  
18 convened on June 26th, 2019?

19 A. According to the report, it's 9:00 in  
20 the morning.

21 Q. And who was present?

22 A. Myself, Captain John Lehto, Mayor  
23 Donchess, and Kim Kleiner.

24 Q. And did this take place in the mayor's  
25 conference room?

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1           A.        Yes.

2           Q.        And I'm going to ask you to remember  
3           what was said during that meeting, and I'll  
4           probably just go person by person as to, you know,  
5           who said what. What did you say at the meeting?

6           A.        So the purpose of the meeting and what  
7           I said was informing the mayor that there was a  
8           criminal complaint alleged against employees at  
9           City Hall, and that we would be investigating the  
10           case, and we would be conducting an investigation,  
11           or detectives from the Nashua Police Department  
12           would be conducting an investigation into those  
13           allegations and we would be speaking with multiple  
14           employees at City Hall.

15           Q.        Did you say anything else that you  
16           remember?

17           A.        No.

18           Q.        And when you said -- when you described  
19           the criminal investigation, did you describe the  
20           types of allegations that had been made?

21           A.        No, we tried to keep all -- all those  
22           facts to really a minimum. It wasn't his business  
23           what we were investigating. Him and Kim were both  
24           well aware of what they were, they had been told of  
25           the allegations that were made or they had found

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1 out about it, and I'm not sure how.

2 So they were aware of what we were  
3 looking into, but we didn't give them any  
4 information as to the nature of the complaints or  
5 how we were going to conduct our investigation.

6 Q. Now, prior to going into this meeting,  
7 did you know the names of the people who were  
8 going to be -- let me strike that.

9 Prior to going into this meeting, did  
10 you know the names of the subjects of the  
11 investigation?

12 A. I believe so.

13 Q. Does the name Greg Turgiss sound  
14 familiar to you?

15 A. Yes.

16 Q. Gary Turgiss?

17 A. Yes.

18 Q. And, obviously, Kim Kleiner?

19 A. Correct.

20 Q. And you knew prior to going into that  
21 meeting that all three of them were subjects of  
22 the investigation?

23 A. Yes.

24 Q. You knew that Kim Kleiner was a subject  
25 of the investigation?

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1 leave time built up, so I started BAE Systems on  
2 January 2nd of 2022.

3 Q. Now, eventually the report -- I'm  
4 sorry, eventually the investigation was completed.  
5 Do you understand some of the events that happened  
6 or the investigative -- let me rephrase that.

7 Do you have any recollection of any of  
8 the investigative steps that Detective Lombardi  
9 and others took during the investigation?

10 A. Not specifically. I know the  
11 investigation was progressing along quite a bit.  
12 It seemed to blossom out -- if I remember  
13 correctly, it seemed to blossom into bigger things  
14 at times. So nothing specifically other than it  
15 was being done in a timely and a thorough manner.

16 Q. Did you receive any reports of who was  
17 interviewed at any point, that you can recall?

18 A. I did not review any written reports,  
19 but through the daily meetings and through  
20 interactions with Captain Lehto I would have been  
21 informed, hey, we're doing this this time or this  
22 is roughly what we're doing.

23 So, again, it was an informal process  
24 to be kept up to speed on.

25 Q. And did you -- in your position as

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1                   Q.        Well, first we'll call it the incident  
2        at the legal department in City Hall.

3                   A.        Okay. Yes, I was aware that it  
4        happened. I definitely don't have details about it  
5        other than I know that the officers responded and  
6        handled it, and it was -- and it was cleared.

7                   Q.        What does that mean, it was cleared?

8                   A.        Cleared without arrest, meaning they  
9        left the property and they did not arrest her. She  
10      left when they told her to.

11      Q.        Okay. Do you know whether there was an  
12     initial conversation with Attorney Celia Leonard,  
13     and that she told the officers on the scene that  
14     she wanted Ms. Ortolano to be no trespass for a  
15     year?

16      A.        I'm not sure. I was not made aware of  
17     that.

18      Q.        Do you remember ever reading the  
19     supplemental narrative or incident reports or  
20     anything regarding that day?

21      A.        I'm sorry, I don't.

22      Q.        Do you know whether you did or not, or  
23     you just don't remember whether you did or not?

24      A.        I don't remember if I did or not. It's  
25     generally not something I would do.

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1       city legal department?

2           A.       At the time she was, yes.

3           Q.       And you know that she also was one of  
4       the people who were present while Laurie Ortolano  
5       was in the legal office on the day in question?

6           A.       Yes. From what I was told, yes.

7           Q.       And did you ever hear that Celia  
8       Leonard, when she heard that the police department  
9       would be -- the incident would require no further  
10      action, do you recall her saying these words, or  
11      something to this effect: I find it troublesome,  
12      to say the least. My office will be speaking with  
13      the police further.

14          A.       No, I don't remember her saying that  
15      prior to my meeting. I didn't have any  
16      conversations with her prior to my meeting with  
17      Steven Bolton and several members of the legal  
18      department.

19          Q.       Okay. So -- but it's fair to say that  
20      you thought at one point the matter was cleared,  
21      meaning the matter was over, right?

22          A.       Correct.

23          Q.       And then a communication occurred from  
24      the city legal department to the police  
25      department?

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1           A.        Correct.

2           Q.        And the communication was that they  
3           wanted a further investigation done into the  
4           matter, right?

5           A.        I'm not sure how that -- I'm not sure  
6           that's -- if it was them asking for more  
7           information. I'm aware that I got -- I was  
8           contacted and requested a meeting with the legal  
9           department and Mr. Bolton.

10          Q.        So you got a call directly from the  
11           legal department requesting a meeting?

12          A.        I don't know if it was a call or an  
13           e-mail. I was contacted then.

14          Q.        And when was that meeting held, to the  
15           best of your recollection?

16          A.        It had to be within -- I would say  
17           within a week of the incident. Please don't hold  
18           me to a hard date, but within about a week.

19          Q.        Where was the meeting held?

20          A.        It was held in the legal department --  
21           City Hall legal department conference room.

22          Q.        Who was present from the Nashua Police  
23           Department at that meeting?

24          A.        I was present. I don't honestly  
25           remember who else was present. I don't, yeah.

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1           Q.        Do you remember if Patrolman Earnshaw  
2        was present?

3           A.        He was not.

4           Q.        Sergeant Gilbert?

5           A.        He was not.

6           Q.        Is it Lieutenant Rourke?

7           A.        That was Deputy Chief Rourke at the  
8        time. He could have been because he was the  
9        uniformed deputy, but I don't remember if anybody  
10      was there.

11        Q.        Is there a police officer named Roach?

12        A.        Tim Roach, yes.

13        Q.        Tim Roach. Do you remember if he was  
14      there?

15        A.        He would not have been at that meeting.

16        Q.        So you remember that you were there,  
17        but you don't remember whether anyone else was  
18        there, but it's possible that Deputy Chief Rourke  
19        might have been there?

20        A.        Correct.

21        Q.        Who was present from the legal  
22      department?

23        A.        Steve Bolton was present.

24           THE WITNESS: Is Celia the red-headed  
25      one? Taller, the red-headed one?

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1                   MR. CULLEN: I wouldn't be able to  
2 answer you even if I could answer, but truthfully,  
3 I don't know exactly what Celia looks like.

4                   A. Sorry, I didn't have much interaction  
5 with the other attorneys.

6 BY MR. MALAGUTI:

7                   Q. You would say a tall red-headed  
8 attorney?

9                   A. Yeah, she was there, as well as there  
10 might have been a younger lady there that was part  
11 of the legal department's administrative staff.

12                  Q. A paralegal, potentially?

13                  A. Correct.

14                  Q. Would the name Manuela Perry sound  
15 familiar?

16                  A. I'm not sure. I never worked with her.

17                  Q. Manuela, I think. Okay. Anyone else  
18 from the legal department?

19                  A. Not that I recall.

20                  Q. Who did most of the speaking from the  
21 legal department?

22                  A. Attorney Bolton.

23                  Q. Now, the tall red-headed attorney, did  
24 she do any speaking?

25                  A. No, not that I remember. It was

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1       **Attorney Bolton.**

2           Q.        He did all the speaking, as far as you  
3       remember, on behalf of the legal department?

4           A.        Correct.

5           Q.        And you did all the speaking on behalf  
6       of the police department?

7           A.        Correct.

8           Q.        So what did Steve Bolton say?

9           A.        Paraphrasing the conversation, he was  
10      not satisfied with the outcome of the  
11      investigation. He felt that she should have been  
12      placed under arrest immediately. He expressed  
13      concern for his staff, meaning the other attorneys  
14      and the paralegals in the department, and he had  
15      asked me to -- I guess he told me to arrest her,  
16      and I told him I would not arrest her.

17           Q.        Was Attorney Bolton angry?

18           A.        Yes.

19           Q.        Did he shout?

20           A.        Raised voice.

21           Q.        Did he bang anything?

22           A.        Not that I remember.

23           Q.        Did he explain what his concern for his  
24      staff was?

25           A.        Yes, he expressed concern for their

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1       posture was in -- Ms. Ortolano was in when she was  
2       in the legal office?

3           A.       I believe she was sitting down in front  
4       of the door.  If I remember right, that's what --  
5       that's what's coming to mind.

6           Q.       She was sitting on the floor.

7           A.       Correct.

8           Q.       Did Mr. Bolton tell you that she had  
9       made threats?

10          A.       I don't believe so.  I don't recall him  
11       saying that she had made threats.

12          Q.       No one else in the meeting said that  
13       she had made threats?

14          A.       Not that I remember.

15          Q.       Was it your position at the time that  
16       you were going to stick with what the officers had  
17       found and put in their papers that they had  
18       created for the incident?

19          A.       Yes.

20          Q.       Do you have any reason to doubt that  
21       what they said in that original incident report  
22       and the supplemental narrative were anything other  
23       than true and accurate?

24          A.       No, I -- I believe that they were  
25       absolutely true and accurate.

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1       the conversation, he said that we should arrest  
2       her, or you should be able to arrest her.

3           Q.     Would you consider what he said to have  
4       been a demand that you arrest her?

5           A.     He was trying to present it as a  
6       demand.

7           Q.     Okay, what else did he say, if  
8       anything, during that up to a half an hour  
9       meeting?

10          A.     That's pretty much -- the conversation  
11       was about his position of us arresting her and us  
12       not going to do what he said. And there was back  
13       and forth, and I don't remember specific  
14       conversations or specific words that were used, but  
15       he wanted us to have her arrested, and at that time  
16       I was not of the opinion that we would be  
17       arresting her.

18          Q.     And did you say anything else that you  
19       haven't already told us?

20          A.     Not that I know of, no.

21          Q.     Now, was the meeting being audio or  
22       video recorded, to your knowledge?

23          A.     To my knowledge, no.

24          Q.     Did you notice whether anyone was  
25       taking notes of the meeting?

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1                   A.        Correct.

2                   Q.        You got further communications from the  
3                   legal department -- and let me reframe that.

4                   To your knowledge, did you or anyone at  
5                   the police department get further communications  
6                   from the legal department between the time that  
7                   the meeting occurred and Ms. Ortolano was  
8                   arrested?

9                   A.        I don't -- I don't recall specifically  
10                  getting any myself. I know that there were several  
11                  conversations back throughout this entire ordeal,  
12                  not just this arrest, where Bolton would contact  
13                  the legal department, and I believe it was Captain  
14                  Brian Kinney at the time, or Lieutenant Kinney.  
15                  There was some -- I think some conversations there  
16                  that he let me know about.

17                  Q.        Captain or Lieutenant Brian Kinney, was  
18                  he in the police legal department or was he in  
19                  some other department?

20                  A.        He was part of the Nashua police legal  
21                  department.

22                  Q.        Was he an attorney?

23                  A.        No.

24                  Q.        Did -- it sounds like he got promoted  
25                  to captain, he might have been a lieutenant at the

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1           Q.       At some point did the police department  
2       open an investigation into whether Laurie Ortolano  
3       should get arrested?

4           A.       Yes.

5           Q.       How soon was that after the meeting at  
6       Bolton's office?

7           A.       I don't know specifically. If I had to  
8       guess, it was within a week.

9           Q.       Do you know why the investigation was  
10      opened?

11       A.       I do.

12       Q.       Why?

13       A.       I was advised by my deputies that they  
14      wanted to open an investigation to re -- to relook  
15      at the case because of a social media post that  
16      Ms. Ortolano had posted, but if I remember right,  
17      she was bragging about refusing to leave, and  
18      not -- not obeying the commands of what the person  
19      who had control of the property did, meaning the  
20      legal department.

21       Q.       You understand that Ms. Ortolano has a  
22      First Amendment right to post on social media?

23       A.       I do.

24       Q.       You understand that Ms. Ortolano has a  
25      right to post even offensive material under the

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1       First Amendment on social media?

2           A.       Yes, sir, I do.

3           Q.       You understand that unless  
4               Ms. Ortolano's postings constitute some form of  
5               unprotected speech that she cannot be regulated in  
6               that speech, as a general matter?

7           A.       Yes, sir.

8           Q.       Do you believe it would be wrong for  
9               the Nashua Police Department to arrest Laurie  
10              Ortolano because of social media posts they made?

11           A.       I can't answer that question because  
12              the answer is it's possible. If she's -- we're not  
13              arresting her based on anything she's just saying  
14              in there.

15           Q.       Can you elaborate on that?

16           A.       The decision, from what I understand,  
17              to arrest was her admission of committing the  
18              crime. She went on her social media post and  
19              admitted to refusing to obey those commands, and  
20              for us the discussion, if I remember correctly,  
21              was, well, she's admitting to a crime, we don't  
22              need a witness to necessarily come forward, she's  
23              making her own self-admissions, so we will charge  
24              her, and I supported that decision.

25           Q.       Now, when you say that she wasn't